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## NOTICE OF ALLOWANCE AND FEE(S) DUE

23644 7590 06/10/2009

BARNES & THORNBURG LLP  
P.O. BOX 2786  
CHICAGO, IL 60690-2786

EXAMINER	
HUYNH, BA	
ART UNIT	PAPER NUMBER
2179	

DATE MAILED: 06/10/2009

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,596	06/09/2005	Thomas Thompson	27726-99600	5443

TITLE OF INVENTION: VIRTUAL BEVERAGE BAR DESIGN AND ANALYSIS SYSTEM

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	09/10/2009

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

### HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

**PART B - FEE(S) TRANSMITTAL**

Complete and send this form, together with applicable fee(s), to: **Mail Stop ISSUE FEE**  
**Commissioner for Patents**  
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**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

23644 7590 06/10/2009  
**BARNES & THORNBURG LLP**  
P.O. BOX 2786  
CHICAGO, IL 60690-2786

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

**Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or by facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)

(Signature)

(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,596	06/09/2005	Thomas Thompson	27726-99600	5443

TITLE OF INVENTION: VIRTUAL BEVERAGE BAR DESIGN AND ANALYSIS SYSTEM

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	09/10/2009

EXAMINER	ART UNIT	CLASS-SUBCLASS
HUYNH, BA	2179	715-764000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

"Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,  
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 \_\_\_\_\_  
2 \_\_\_\_\_  
3 \_\_\_\_\_

## 3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent):  Individual  Corporation or other private group entity  Government

## 4a. The following fee(s) are submitted:

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

Issue Fee  
 Publication Fee (No small entity discount permitted)  
 Advance Order - # of Copies \_\_\_\_\_

A check is enclosed.  
 Payment by credit card. Form PTO-2038 is attached.  
 The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

## 5. Change in Entity Status (from status indicated above)

a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature \_\_\_\_\_

Date \_\_\_\_\_

Typed or printed name \_\_\_\_\_

Registration No. \_\_\_\_\_

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS; SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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BARNES & THORNBURG LLP				HUYNH, BA
P.O. BOX 2786				ART UNIT
CHICAGO, IL 60690-2786				2179
PAPER NUMBER				
DATE MAILED: 06/10/2009				

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)

(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 334 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 334 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/538,596	THOMPSON, THOMAS
	<b>Examiner</b>	Art Unit
	Ba Huynh	2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to the interview and examiner amendment on 6/4/09.

2.  The allowed claim(s) is/are 1,3,4,6-16,19-23,25 and 27.

3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All b)  Some\* c)  None of the:

1.  Certified copies of the priority documents have been received.

2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.

(a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.

(b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	5. <input type="checkbox"/> Notice of Informal Patent Application
2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	6. <input type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____.
3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____.	7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment
4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material	8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance
	9. <input type="checkbox"/> Other _____.

**EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Grant H. Peters on 6/4/09.

The application has been amended as follows:

What is claimed is:

1. (currently amended) A computer-implemented method for planning a virtual arrangement of beverage equipment on a virtual countertop work surface, the method comprising the steps of:

providing an interface having a graphical representation of the virtual countertop work surface;

selecting a virtual countertop work surface area value, the virtual countertop work surface area value being an area having at least one of a width dimension and a length dimension;

setting an open space value to the virtual countertop work surface area value;

providing on the interface a graphical representation of at least one piece of beverage equipment for placement on the virtual countertop work surface; [[and]]

attributing a space demand value to each piece of selected beverage equipment;

iteratively allowing a user to select a piece of beverage equipment and place a graphical representation of the selected beverage equipment onto the graphical representation of the virtual countertop work surface;

iteratively calculating a used space value by taking a sum of the space demand values for each piece of selected beverage equipment; and

iteratively recalculating the open space value by subtracting the used space value from the virtual countertop work surface area value.

2. (canceled)

3. (currently amended) The method of ~~claim 2 of claim 1~~, further comprising calculating the space demand value by multiplying a length dimension by a width dimension for the selected equipment.

4. (currently amended) The method of ~~claim 2 of claim 1~~, further comprising the step of preventing the user from placing the graphical representation of the beverage equipment if so doing would exceed the available open space on the graphical representation of the virtual countertop work surface.

5. (canceled)

6. (currently amended) The method of ~~claim 2 of claim 1~~, further comprising allowing the user to at least one of delete or move one or more of the graphical representations of the selected pieces of beverage equipment.

7. (currently amended) The method of ~~claim 2 of claim 1~~, further comprising allowing the user to move one or more of the placed graphical representations to alternative locations on the graphical representation of the virtual countertop work surface.

8. (original) The method of claim 1, further comprising providing at least a graphical representation of a piece of beverage equipment as the type of equipment which can be selected.

9. (currently amended) A computer-implemented method for planning a virtual arrangement of beverage equipment on a surface having a selected area value and projecting income related to the arrangement, the method comprising the steps of:

providing an interface having a graphical representation of the virtual countertop work surface;

selecting a virtual countertop work surface area value, the virtual countertop work surface area value being an area having at least one of a width dimension and a length dimension;

setting an open space value to the virtual countertop work surface area value;  
providing on the interface a graphical representation of at least one piece of beverage equipment for placement on the virtual countertop work surface;  
iteratively allowing a user to select a piece of equipment and place a graphical representation of the selected beverage equipment onto the graphical representation of the virtual countertop work surface to create a particular equipment configuration;  
attributing a space demand value to each piece of selected beverage equipment;  
iteratively calculating a used space value by taking a sum of the space demand values for each piece of selected beverage equipment;  
iteratively recalculating the open space value by subtracting the used space value from the virtual countertop work surface area value;  
assigning a cost value to the beverage equipment configuration;  
calculating a projected income value for the beverage equipment configuration;  
and  
displaying a profitability report based on the cost value and projected income value.

10. (original) The method of claim 9, further comprising the step of calculating the cost value by referencing a cost per unit value entered by the user.

11. (previously presented) The method of claim 9, further comprising the step of calculating the cost value by referencing to a cost per unit value retrieved from a set of default values.

12. (original) The method of claim 11, further comprising allowing the user to override one or more of the set of default values.

13. (original) The method of claim 9, further comprising having the step of calculating an income be referencing a projected price per serving value and a projected number of daily sold servings value.

14. (original) The method of claim 13, further comprising allowing the user to modify the projected price per serving value and the projected number of daily sold servings value.

15. (original) The method of claim 13, further comprising calculating and displaying a pay-for-itself time period value for a selected piece of beverage equipment in the beverage bar configuration.

16. (original) The method of claim 13, further comprising referencing a projected number of daily refills value and a projected charge per refill value to determine the income value.

17 - 18. (canceled)

19. (currently amended) The method of ~~claim 18 of claim 9~~, further comprising having ~~the printout include a printout including~~ a specification sheet for each piece of selected equipment in the equipment configuration.

20. (original) The method of claim 19, further having the specification sheet include a profit value for a particular period attributed to the piece of selected equipment.

21. (previously presented) The method of claim 9, further having the profitability report include a profit value for a selected time period, the profit calculation value being calculated for all selected beverage equipment in the virtual beverage equipment configuration.

22. (original) The method of claim 9, further comprising providing at least a graphical representation of a piece of beverage equipment as the type of equipment which can be selected.

23. (currently amended) A computer-implemented method for planning a virtual arrangement of beverage equipment on a virtual countertop work surface having a selected area value and projecting income related to the arrangement, the method comprising the steps of:

providing an interface having a graphical representation of the virtual countertop work surface;

selecting a virtual countertop work surface area value, the virtual countertop work surface area value being an area having at least one of a width dimension and a length dimension;

setting an open space value to the virtual countertop work surface area value;

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providing on the interface a graphical representation of at least one piece of beverage equipment for placement on the virtual countertop work surface;

attributing a space demand value to each piece of selected beverage equipment;

iteratively allowing a user to select a piece of beverage equipment and place a graphical representation of the selected beverage equipment onto the graphical representation of the virtual countertop work surface to create a particular equipment configuration;

iteratively calculating a used space value by taking a sum of the space demand values for each piece of selected beverage equipment;

iteratively recalculating the open space value by subtracting the used space value from the virtual countertop work surface area value;

assigning a cost value to the equipment configuration;

calculating a projected income value for the equipment configuration;

displaying a profitability report based on the cost value and projected income value; and

allowing the user to connect via a communication network to an interface for purchasing at least one of the pieces of beverage equipment in the beverage equipment configuration.

24. (canceled)

25. (currently amended) The method of ~~claim 24 of claim 23~~, further comprising having the interface for purchasing be a web site of a seller of the equipment in the equipment configuration.

26. (canceled)

27. (previously presented) The method of claim 23, further comprising generating an email to a selected seller of the beverage equipment in the beverage equipment configuration requesting information about the equipment in the equipment configuration.

28 - 30. (canceled)

The following is an examiner's statement of reasons for allowance:

Claims 1, 3, 4, 6-16, 19-23, 25, 27 are allowed.

Independent claims 1, 9 and 23, each when considered as a whole, are allowable over the art of record. As for independent method claim 1, prior art of record fail to clearly teach the sequence of steps for planning a virtual arrangement of beverage equipments on a virtual countertop as recited. Independent claims 9 and 23 also include allowable subject matter of claim 1, thus also allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ba Huynh whose telephone number is (571) 272-4138. The examiner can normally be reached on Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2179

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ba Huynh  
/Ba Huynh/  
Primary Examiner, Art Unit 2179